

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

SUDAY INVESTMENT GROUP, INC. §

v.

**COVINGTON SPECIALTY §
INSURANCE COMPANY AND RSUI §
GROUP, INC. §**

CIVIL ACTION NO. 2:21-CV-41

**DEFENDANTS COVINGTON SPECIALTY INSURANCE COMPANY AND
RSUI GROUP'S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants Covington Specialty Insurance Company (“Covington”) and RSUI Group, Inc. (“RSUI”), collectively “Defendants”, in the above-entitled and –numbered cause, and file this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

I. BACKGROUND

1. Covington and RSUI are the Defendants in a civil action pending Cause No. 2021-0079-CV; *Suday Investment Group, Inc. v. Covington Specialty Insurance Company and RSUI Group, Inc.*; In the 63rd Judicial District Court of Val Verde County, Texas. (hereinafter referred to as the “State Court Action”.) An Index of State Documents Filed with the Notice of Removal is attached hereto as ‘Exhibit A,’ and true and correct copies of all process, pleadings, and orders filed in the State Court Action are attached hereto as ‘Exhibit B,’ as required by 28 U.S.C. § 1446(a). Defendants also attach Exhibit C, which is a list of the parties and their counsel known to date.

2. On May 3, 2021, Plaintiff filed an Original Petition and Requests for Disclosure (hereinafter referred to as the “Petition”) against Defendants Covington and RSUI in the State Court Action.

3. The Petition asserts, *inter alia*, a Breach of Contract, violations of Unfair Settlement Practices, violations of Deceptive Trade Practices, violations of Prompt

Payment of Claims, Breach of Duty of Good Faith and Fair Dealing, and Fraud claim against Defendants based on a hail storm on April 11, 2020 in Del Rio, Val Verde County, Texas.

4. Plaintiff served Defendants with Plaintiff's Petition on July 7, 2021.
5. Accordingly, this Notice of Removal is timely filed within thirty (30) days of July 7, 2021, the date on which Defendants first received service of process in the State Court Action. *See* 28 U.S.C. § 1446(b).

II. AMOUNT IN CONTROVERSY

6. In the Petition at Section III, Plaintiff specifically states that it is seeking monetary relief over \$500,000.00.
7. Thus, it was facially apparent from the Petition that Plaintiff seeks damages in excess of \$75,000, such that the amount in controversy requirement for diversity jurisdiction is satisfied. 28 U.S.C. § 1332(a)(1).

III. DIVERSITY OF CITIZENSHIP

8. Plaintiff is, and was at the time of filing of this action, a citizen of the State of Texas. *See*, Ex. B-2, Pl.'s Pet. at § II.
9. Defendant Covington, was at the time of the filing of this action, a corporation incorporated under the laws of the State of New Hampshire with its principal place of business in Georgia. *See*, 28 U.S.C. 1332(c)(1)(“[A] corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State of foreign state where it has its principal place of business...”).

10. Defendant RSUI, and was at the time of the filing of this action, a corporation incorporated under the laws of the State of New Hampshire with its principal place of business in Georgia. *Id.*

11. Thus, at the time this action was filed, there is complete diversity between Plaintiff and Defendants Covington and RSUI. *See* 28 U.S.C. § 1332(a)(1).

IV. REMOVAL IS PROPER

12. Accordingly, the State Court Action satisfied both of the requirements for diversity jurisdiction: (1) more than \$75,000 alleged in controversy; and (2) complete diversity of parties. 28 U.S.C. § 1332.

13. Under 28 U.S.C. § 1446(a), venue of the removed action is proper in this Court as it is the district and division embracing the place where the State Court Action is pending.

14. Therefore, the State Court Action is removable to the United States District Court for the Western District of Texas pursuant to 28 U.S.C. § 1332(a)(1) and § 1441(b).

15. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly give written notice of the filing of this notice of removal to Plaintiff and will further file a copy of this Notice of Removal with the District Clerk of Val Verde County, Texas, where the State Court Action was previously pending.

WHEREFORE, Defendants Covington and RSUI hereby removes the case styled Cause No. 2021-0079-CV; *Suday Investment Group, Inc. v. Covington Specialty Insurance Company and RSUI Group, Inc.*; In the 63rd Judicial District Court of Val Verde County, Texas, and respectfully requests that this Court assume full jurisdiction of this proceeding for all purposes as if originally filed in this Court, including, but not limited to, issuing any orders necessary to stay proceedings in the State Court Action.

Respectfully submitted,

[signature on following page]

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**ATTORNEYS FOR DEFENDANTS,
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2021, a true and correct copy of the foregoing document has been served on all known parties and counsel of record pursuant to the Federal Rules of Civil Procedure as follows:

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